IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2156 OF 2005

Mr.Navnath Eknath Jaigude ... Applicant

vs.

The State of Maharashtra
(at the instance of Bhuinj Police stn. Satara.) ... Respondent.

Mr.V.V.Purwant, for the Applicant.

Mr.K.V.Saste, A.P.P. for the State.

CORAM: A.M.Khanwilkar,J.

DATED: 4th April, 2005.

P.C.:-

1. Heard the learned Counsel for both the parties. Indeed the offence in question is a serious offence. But prima facie I find substance in the arguments canvassed by the applicant that possibility of an accident cannot be totally ruled out. If that argument is to be accepted, then theory of suicide alleged by the prosecution becomes doubtful. The argument of the learned Counsel appearing for the applicant was that in view of the situation appeared

on the spot as revealed by the panchanama, it gives an impression that it was the case of an accident and not a suicide. The lower Court has rejected this contention observing that it is difficult to see how if the deceased accidentally fell in the well while taking out water, the steel bucket was found at different place i.e at southern western corner of the well. That opinion overlooks that the possibility of bucket having floated to that end, cannot be ruled out.

2. Taking overall view of the matter , I am of the opinion that the possibility of falling of deceased into the well by an accident, cannot be completely ruled out. If it is so, the applicant is entitled for bail as all other aspects would become unavailable if the theory of accident would be established. Besides, the investigation is completed, the chargesheet is also filed. There is no antecedents against the applicant. Accordingly, this application succeeds on the following terms:

(a) The applicant is directed to be released on bail in connection with C.R.No.121 of 2004 registered with Bhuinj Police Station, Satara, on executing personal bond in the sum of Rs.15,000/- with two local sureties in the like amount.

(b). The applicant shall not influence the prosecution witnesses and shall not tamper with the prosecution evidence in any manner whatsoever.

(c). The applicant shall regularly attend before the trial Court and shall give full co-operation for the early disposal of the trial as a condition for bail.

(d). If the trial Court is of opinion that the applicant is responsible for causing delay in early conclusion of the trial, that can be the ground for cancellation of bail.

Application is disposed of.

4.4.2005 ---